
HOUSE BILL No. 1206

DIGEST OF INTRODUCED BILL

Citations Affected: IC 13-26-4-8; IC 13-26-15.

Synopsis: Wastewater district boards. Provides that an appointed trustee of a regional sewer district serves at the pleasure of the trustee's appointing authority. Establishes an appeals board to hear appeals from regional sewer district board decisions.

Effective: July 1, 2003.

Lutz J

January 8, 2003, read first time and referred to Committee on Environmental Affairs.

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First Regular Session 113th General Assembly (2003)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2002 Regular or Special Session of the General Assembly.

HOUSE BILL No. 1206

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 13-26-4-8 IS ADDED TO THE INDIANA CODE
- 2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 3 1, 2003]: **Sec. 8. (a) This section applies to a regional sewer district.**
- 4 **(b) An appointed trustee serves at the pleasure of the trustee's**
- 5 **appointing authority.**
- 6 SECTION 2. IC 13-26-15 IS ADDED TO THE INDIANA CODE
- 7 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
- 8 JULY 1, 2003]:
- 9 **Chapter 15. Sewer District Appeals Board**
- 10 **Sec. 1. This chapter applies to a regional sewer district.**
- 11 **Sec. 2. An appeals board is established for the district.**
- 12 **Sec. 3. The appeals board consists of the following:**
- 13 **(1) A member of the county executive of a county that**
- 14 **contains territory of the district. The county executives of all**
- 15 **counties that contain territory of the district shall jointly**
- 16 **appoint the member under this subdivision.**
- 17 **(2) A member of the county fiscal body of a county that**



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contains territory of the district. The fiscal bodies of all counties that contain territory of the district shall jointly appoint the member under this subdivision.

(3) An individual who has knowledge of county planning matters. The county executives of all counties that contain territory of the district shall jointly appoint the member under this subdivision.

(4) An individual employed by a county health department of a county that contains territory of the district. The county executives of all counties that contain territory of the district shall jointly appoint the member under this subdivision.

(5) A professional engineer who has knowledge of wastewater treatment matters. The county executives of all counties that contain territory of the district shall jointly appoint the member under this subdivision.

Sec. 4. (a) The term of an individual serving as a member of the appeals board begins on the later of the following:

(1) The day the term of the member whom the individual is appointed to succeed expires.

(2) The day the individual is appointed.

(b) Except as provided in subsection (c), the term of a member expires January 1 of the fourth year after the member's current term begins.

(c) The terms of the members of the first appeals board appointed under section 3 of this chapter expire as follows:

(1) The term of the member appointed under section 3(1) of this chapter expires January 1 of the fourth year after the member's term begins.

(2) The term of the member appointed under section 3(2) of this chapter expires January 1 of the third year after the member's term begins.

(3) The term of the member appointed under section 3(3) of this chapter expires January 1 of the second year after the member's term begins.

(4) The term of the member appointed under section 3(4) of this chapter expires January 1 of the fourth year after the member's term begins.

(5) The term of the member appointed under section 3(5) of this chapter expires January 1 of the third year after the member's term begins.

(d) A member may be reappointed to the appeals board. A member reappointed to the appeals board is the member's own

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1 successor for purposes of subsection (a).

2 Sec. 5. (a) A vacancy on the appeals board shall be filled by the
3 appointing authority that appointed the member whose position is
4 vacant.

5 (b) An individual appointed to fill a vacancy on the appeals
6 board serves for the remainder of the term of the board member
7 the individual is appointed to replace.

8 (c) A vacancy on the appeals board is created if a member who
9 is required to be a member of a county executive or a county fiscal
10 body ceases to be a member of the county executive or county fiscal
11 body.

12 Sec. 6. An appeals board member is not entitled to payment for
13 serving as a member but is entitled to be reimbursed for any actual
14 expenses incurred in serving as a member.

15 Sec. 7. (a) The district shall pay all expenses of the appeals
16 board.

17 (b) The district shall provide all supplies and support services
18 for the appeals board's operation.

19 Sec. 8. (a) During its first meeting of each year, the appeals
20 board shall elect a member to be the chair.

21 (b) The member elected as chair serves as chair until the earlier
22 of the following:

23 (1) The member ceases to be a member of the appeals board.

24 (2) The member's successor as chair is elected.

25 (c) A member who serves as chair may be reelected for
26 successive terms.

27 (d) If the position of chair becomes vacant, the appeals board
28 shall elect a remaining member as chair.

29 Sec. 9. The appeals board shall meet:

30 (1) at the call of the chair; or

31 (2) if the position of chair is vacant, upon the call of three (3)
32 appeals board members.

33 Sec. 10. (a) Three (3) members of the appeals board constitute
34 a quorum.

35 (b) The affirmative votes of three (3) appeals board members
36 are required for the appeals board to take official action other than
37 to do the following:

38 (1) Adjourn.

39 (2) Meet to hear reports or testimony.

40 Sec. 11. The appeals board shall adopt rules of procedure and
41 may adopt other rules it considers appropriate.

42 Sec. 12. (a) A person aggrieved by an action of the district board

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1 may file an appeal with the appeals board.

2 (b) A person aggrieved by an action of the district board may
3 not maintain an action in a court or any administrative body to
4 challenge the action until after:

5 (1) the person files an appeal with the appeals board; and

6 (2) the appeals board makes a final determination on the
7 matter.

8 Sec. 13. A person aggrieved by an action of the district board
9 must file an appeal as provided by the appeals board's rules.

10 Sec. 14. After concluding hearings on an appeal, the appeals
11 board may do either of the following:

12 (1) Affirm the district board's action.

13 (2) Modify or vacate the district board's action.

14 Sec. 15. The aggrieved person may file an action with a court or
15 an administrative body that has jurisdiction to challenge the action
16 of the district board not earlier than forty-five (45) days after the
17 appeals board takes final action on the person's appeal.

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